

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David J. Grainger et al.	Examiner:	Umamaheswari Ramachandran
Serial No.:	10/729,056	Group Art Unit:	1617
Filed:	December 5, 2003	Docket:	295.009US4
Title:	PREVENTION AND TREATMENT OF CARDIOVASCULAR PATHOLOGIES WITH TAMOXIFEN ANALOGUES		

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Janet E. Embretson, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on December 5, 2003. I am making this petition on behalf of , the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Poniard Pharmaceuticals, Inc., previously NeoRx Corporation (name change was recorded on August 7, 2007 on Reel 019658, Frame 0565), certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/729,056) and to U.S. Patent Nos. 5,472,985; 5,770,609; 5,595,722; 5,559,884; 5,773,479; 5,847,007; 6,074,659; 6,166,090; 6,197,789; 6,262,079 and 6,251,920. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for all of these patents. The assignment for U.S. Patent No.5,595,722 was recorded on December 20, 1995 on Reel 007823, Frame 0091, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.5,770,609 was recorded on December 20, 1995 on Reel 008096, Frame 0562, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.6,262,079 was recorded on October 26, 2006 on Reel 018442, Frame 0965, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.6,251,920 was recorded on October 26, 2006 on Reel 018442, Frame 0965, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.5,773,479 was recorded on October 26, 2006 on Reel 08442, Frame 0965, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.5,847,007 was recorded on March 9, 1995 on Reel

TERMINAL DISCLAIMER

Serial Number: 10/729,056

Filing Date: December 5, 2003

Title: PREVENTION AND TREATMENT OF CARDIOVASCULAR PATHOLOGIES WITH TAMOXIFEN ANALOGUES

Page 2

Dkt: 295.009US4

007373, Frame 0889, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.6,074,659 was recorded on April 18, 2003 on Reel 013974, Frame 0188, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.6,166,090 was recorded on October 24, 2006 on Reel 018454, Frame 0134, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.6,197,789 was recorded on September 8, 1998 on Reel 009434, Frame 0042, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.5,559,884 was recorded on February 15, 1994 on Reel 006896, Frame 0517, with the United States Patent and Trademark Office. The assignment for U.S. Patent No.5,472,985 was recorded on August 7, 2007 on Reel 019685, Frame 0565, with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 10/729,056) is a continuation of U.S. Application Serial No. 09/754,775.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Poniard Pharmaceuticals, Inc., seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of any patent which may issue from U.S. Serial No. 10/729,056. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent which may issue from U.S. Serial No. 10/729,056 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which may be granted on U.S. Serial No. 10/729,056 in

TERMINAL DISCLAIMER

Serial Number: 10/729,056

Filing Date: December 5, 2003

Title: PREVENTION AND TREATMENT OF CARDIOVASCULAR PATHOLOGIES WITH TAMOXIFEN ANALOGUES

Page 3

Dkt: 295.009US4

the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove. Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application if no patent issues from U.S. Serial No. 10/729,056.

Fee Status

Please charge Deposit Account 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DAVID J. GRAINGER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6959

Date

October 1, 2007

By

Janet E. Embreyson
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of October 2007.

Name

David M. Poole

Signature

David M. Poole